



PTO/SB/21 (02-04)

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**TRANSMITTAL
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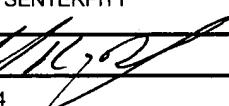
| | | | |
|--|----|------------------------|-------------------|
| | | Application Number | 10/720,659 |
| | | Filing Date | November 24, 2003 |
| | | First Named Inventor | SIMONSON |
| | | Art Unit | 3738 |
| | | Examiner Name | |
| Total Number of Pages in This Submission | 10 | Attorney Docket Number | 5976-23CIP |

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | PTO/SB/08A&B; 2 References; and 1 Postcard. |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Michael K. Dixon AKERMAN SENTERFITT |
| Signature |  |
| Date | May 7, 2004 |

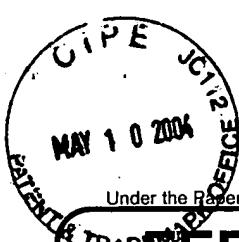
CERTIFICATE OF TRANSMISSION/MAILING

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| | |
|-----------------------|---|
| Typed or printed name | Michael K. Dixon |
| Signature |  |
| Date | May 7, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEET TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

| | |
|-------------------------|-----------|
| TOTAL AMOUNT OF PAYMENT | (\$ 0.00) |
|-------------------------|-----------|

Complete If Known

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|----------------------|-------------------|
| Application Number | 10/720,659 |
| Filing Date | November 24, 2003 |
| First Named Inventor | SIMONSON |
| Examiner Name | |
| Art Unit | 3738 |
| Attorney Docket No. | 5976-23CIP |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
50-0951
Deposit Account Name
AKERMAN SENTERFITT

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) | | (\$ 0.00) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Total Claims | 25 | -20** = | |
| Independent Claims | 9 | - 3** = | |
| Multiple Dependent | | | |

| Large Entity | Small Entity | Fee Description |
|---------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$ 0.00) |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

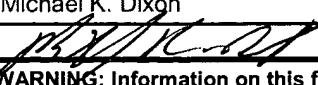
Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

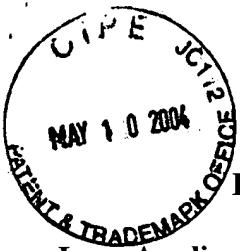
(Complete if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Michael K. Dixon | Registration No. (Attorney/Agent) | 46,665 | Telephone | 561-653-5000 |
| Signature |  | | | Date | May 7, 2004 |

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: SIMONSON

Application No.: 10/720,659

Examiner:

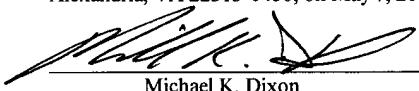
Filed: November 24, 2003

Group Art Unit: 3738

For: ARTIFICIAL FACET JOINT AND METHOD

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 7, 2004.



Michael K. Dixon

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Date: May 7, 2004

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to the Duty to Disclose under 37 C.F.R. §1.56, Applicant hereby discloses information that may be relevant to the Examiner's consideration of the above-identified application and the patentability of its claims.

In accordance with Rules 56, 97, and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), Forms PTO/SB/08A&B with references cited therein are submitted for consideration by the Examiner. While the references provided in this Information Disclosure Statement may be material to patentability pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the

In re Application of: SIMONSON
Application No.: 10/720,659
Filed: November 24, 2003
Group Art Unit: 3738
For: ARTIFICIAL FACET JOINT AND METHOD

filings of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

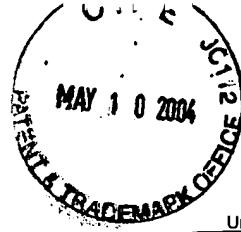
This Information Disclosure Statement is being filed before the issuance of a first office action on the merits of the application (37 C.F.R. 1.97(b)(3)); therefore, no fee is believed to be due. However, if any fee is due, the Commissioner is authorized to charge any such fee and any additional fees due or credit any overpayment to Deposit Account No. 50-0951.

Respectfully submitted,



Michael K. Dixon, Reg. No. 46,665
AKERMAN SENTERFITT
222 Lakeview Avenue, Suite 400
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000
Facsimile: (561) 659-6313

Docket No. 5976-23CIP



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Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of 5

| | |
|----------------------|-------------------|
| Application Number | 10/720,659 |
| Filing Date | November 24, 2003 |
| First Named Inventor | SIMONSON |
| Art Unit | 3738 |
| Examiner Name | |

Attorney Docket Number 5976-23CIP

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
| | | US- 3,219,575 | 11/23/1965 | Chapman et al. | |
| | | US- 3,242,922 | 03/29/1966 | Thomas | |
| | | US- 3,565,066 | 02/23/1971 | Roaf | |
| | | US- 4,269,178 | 05/26/1981 | Keene | |
| | | US- 4,272,401 | 06/09/1981 | Mohan et al. | |
| | | US- 4,361,141 | 11/30/1982 | Tanner | |
| | | US- 4,369,769 | 01/25/1983 | Edwards | |
| | | US- 4,369,770 | 01/25/1983 | Bacal et al. | |
| | | US- 4,382,438 | 05/10/1983 | Jacobs | |
| | | US- 4,386,603 | 06/07/1983 | Mayfield | |
| | | US- 4,404,967 | 09/20/1983 | Bacal et al. | |
| | | US- 4,409,968 | 10/18/1983 | Drummond | |
| | | US- 4,411,259 | 10/25/1983 | Drummond | |
| | | US- 4,419,026 | 12/06/1983 | Leto | |
| | | US- 4,422,451 | 12/27/1983 | Kalamchi | |
| | | US- 4,448,191 | 05/15/1984 | Rodnyansky et al. | |
| | | US- 4,567,884 | 02/04/1986 | Edwards | |
| | | US- 4,611,582 | 09/16/1986 | Duff | |
| | | US- 4,662,365 | 05/05/1987 | Gotzen et al. | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
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| Examiner Signature | Date Considered |
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Complete if Known**INFORMATION DISCLOSURE
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(Use as many sheets as necessary)

Sheet 2

of 5

| | |
|------------------------|-------------------|
| Application Number | 10/720,659 |
| Filing Date | November 24, 2003 |
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| Art Unit | 3738 |
| Examiner Name | |
| Attorney Docket Number | 5976-23CIP |

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|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US- 4,773,402 | 09/27/1988 | Asher et al. | |
| | | US- 4,836,196 | 06/06/1989 | Park et al. | |
| | | US- 4,854,304 | 08/08/1989 | Zielke | |
| | | US- 4,887,595 | 12/19/1989 | Heinig et al. | |
| | | US- 4,887,596 | 12/19/1989 | Sherman | |
| | | US- 4,946,458 | 08/07/1990 | Harms et al. | |
| | | US- 4,950,269 | 08/21/1990 | Gaines, Jr. | |
| | | US- 4,987,892 | 01/29/1991 | Krag et al. | |
| | | US- 5,002,542 | 03/26/1991 | Frigg | |
| | | US- 5,005,562 | 04/09/1991 | Cotrel | |
| | | US- 5,024,213 | 06/18/1991 | Asher et al. | |
| | | US- 5,102,412 | 04/07/1992 | Rogozinski | |
| | | US- 5,127,912 | 07/07/1992 | Ray et al. | |
| | | US- 5,129,900 | 07/14/1992 | Asher et al. | |
| | | US- 5,133,717 | 07/28/1992 | Chopin | |
| | | US- 5,147,360 | 09/15/1992 | Dubousset | |
| | | US- 5,181,917 | 01/26/1993 | Rogozinski | |
| | | US- 5,209,752 | 05/11/1993 | Ashman et al. | |
| | | US- 5,246,442 | 09/21/1993 | Ashman et al. | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
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| Examiner Signature | Date Considered |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | Application Number | 10/720,659 |
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|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US- 5,257,993 | 11/02/1993 | Asher et al. | |
| | | US- 5,261,909 | 11/16/1993 | Sutterlin et al. | |
| | | US- 5,282,801 | 02/01/1994 | Sherman | |
| | | US- 5,282,901 | 02/01/1994 | Reinhard | |
| | | US- 5,312,404 | 05/17/1994 | Asher et al. | |
| | | US- 5,415,661 | 05/16/1995 | Holmes | |
| | | US- 5,437,669 | 08/01/1995 | Yuan et al. | |
| | | US- 5,437,670 | 08/01/1995 | Sherman et al. | |
| | | US- 5,474,551 | 12/12/1995 | Finn et al. | |
| | | US- 5,498,262 | 03/12/1996 | Bryan | |
| | | US- 5,549,608 | 08/27/1996 | Errico et al. | |
| | | US- 5,554,157 | 09/10/1996 | Errico et al. | |
| | | US- 5,562,662 | 10/08/1996 | Brumfield et al. | |
| | | US- 5,569,247 | 10/29/1996 | Morrison | |
| | | US- 5,571,191 | 11/05/1996 | Fitz | |
| | | US- 5,591,166 | 01/07/1997 | Bernhardt et al. | |
| | | US- 5,611,800 | 03/18/1997 | Davis et al. | |
| | | US- 5,672,175 | 09/30/1997 | Martin | |
| | | US- 5,693,053 | 12/02/1997 | Estes | |

FOREIGN PATENT DOCUMENTS

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|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
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STATEMENT BY APPLICANT**
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Sheet

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of 5

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| Application Number | 10/720,659 |
| Filing Date | November 24, 2003 |
| First Named Inventor | SIMONSON |
| Art Unit | 3738 |
| Examiner Name | |

Attorney Docket Number 5976-23CIP

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i> | | Application Number | 10/720,659 |
| | | Filing Date | November 24, 2003 |
| | | First Named Inventor | SIMONSON |
| | | Art Unit | 3738 |
| | | Examiner Name | |
| Sheet | 5 | of | 15 |
| | | Attorney Docket Number | |
| | | 5976-23CIP | |

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| Sheet | 1 | of | 1 | Attorney Docket Number | 5976-23CIP |

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